

HOUSE BILL 3297

By Vaughn

AN ACT to amend Tennessee Code Annotated, Title 33,  
relative to mental retardation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, There are over six thousand (6,000) Tennesseans waiting for services through the division of mental retardation services;

WHEREAS, The division of mental retardation services is currently only enrolling up to fifty (50) people into service per month from the division's waiting list;

WHEREAS, The division of mental retardation services is currently adding up to ninety-five (95) people per month to its waiting list;

WHEREAS, The division of mental retardation services waiting list is growing beyond the rate of people being provided services and many Tennesseans with mental retardation are vulnerable and at risk of serious health and safety issues; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-109.

(a) The division of mental retardation services shall make available home and community-based supports for individuals with mental retardation who:

(1) Have made application for supports;

(2) Have been determined by the division of mental retardation services

to be eligible for support; and

(3) Have been included on a waiting list maintained by the division of mental retardation services or have been identified as needing supports immediately.

(b) The division of mental retardation services will develop and implement a process to determine the specific needs of each person on the waiting list so that appropriate services and supports can be developed based on identified needs.

(c) On and after July 1, 2008, in addition to any other requirement of this title, newly developed services and supports shall adhere to the following principles:

(1) Services and supports shall be flexible and meet the needs of each person with mental retardation and the person's family;

(2) Services and supports shall be person-centered, with the option for self-direction, respecting each person's needs and preferences; and

(3) Services and supports shall be respectful of the decisions and integrity of each person and the person's family.

SECTION 2. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-110. The division of mental retardation services shall offer assistance to increase provider capacity in the community. The division shall provide for mentoring and start-up support for new agencies and for existing agencies that seek to provide services to additional service recipients.

SECTION 3. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-111.

(a) The division of mental retardation services shall expand a comprehensive service delivery system. Services shall be provided based

on a person centered planning process emphasizing individual and family control and choice.

(b) Such services shall be funded by means of a federal waiver or waivers under the medical assistance program operated under title 71, chapter 5, part 1, for persons eligible for medical assistance and funded with state resources for persons not eligible for medical assistance.

(c) Beginning July 1, 2008, the self-determination waiver shall be modified to develop capacity and serve at a minimum seven hundred and twenty (720) new service recipients, at a capped cost of thirty thousand dollars (\$30,000) per person per year, on or before June 30, 2009.

(d) Beginning July 1, 2008, the comprehensive services waiver shall develop capacity and serve at a minimum four hundred-eighty (480) additional service recipients on or before June 30, 2009.

SECTION 4. This act shall take effect July 1, 2008, the public welfare requiring it.